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In the

Supreme Court of the United States

OCTOBER TERM, 1961

No. 869.

SAMUEL ASARO,
PETITIONER,

v.

CARLO PARISI,
RESPONDENT.

PETITIONER'S REPLY BRIEF

MORRIS D. KATZ
89 State Street
Boston, Massachusetts
Attorney for Petitioner

Bigelow Printing Company, Boston, Mass. — Law Printers

In the

Supreme Court of the United States

October Term, 1961

No. 889

SAMUEL ASARO,

PETITIONER,

v.

CARLO PARISI,

RESPONDENT.

PETITIONER'S REPLY BRIEF

To the Honorable, the Chief Justice and the Associate Justices of the Supreme Court of the United States:

The petitioner praying that a writ of certiorari issue to review the judgment of the U. S. Court of Appeals for the First Circuit, and the respondent having filed a brief in opposition to the granting of the said writ, now comes the petitioner with this his reply brief.

Argument

The brief of the respondent argues that as there was a verdict for the defendant on Count II relating to the claim for unseaworthiness, that the question raised by the peti-

tioner on the issue of the propriety of the trial judge's charge relating to contributory negligence is moot. In answer to this argument of the respondent, the petitioner points out that although there was a defendant's verdict on Count II for unseaworthiness there was a plaintiff's verdict on Count I under the Jones Act, and it was in that Count that the jury assessed contributory negligence in the amount of 75% against the petitioner. As the question raised by the petitioner relates to the propriety of the trial judge's charge on the issue of contributory negligence on both the Jones Act Count and the unseaworthiness Count, it follows, therefore, that the issue is not moot and is worthy of the due consideration of this Honorable Court.

Conclusion

Wherefore, the petitioner respectfully submits that no valid argument having been submitted by the respondent to the contrary, and the ruling of the court below being contrary to standards of law as laid down in the decisions of this Honorable Court, the writ of certiorari should be granted.

Morris D. Katz
89 State Street
Boston, Massachusetts
Attorney for Petitioner